

SPECIAL CIVIL APPLICATION No 6865 of 1999

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

.....

GSRTC

NAGJIBHAI H HARIJAN

MRS VASAVDATTA BHATT for Petitioner
MR IS SUPEHIA for Respondent No. 1

ORAL JUDGEMENT

Heard learned Advocates for the parties. The respondent who was employed as conductor in the service of the petitioner corporation was found guilty of remaining absent for a period of about fifteen days without leave and was dismissed from service. The Labour

Court has set aside the punishment on the ground that it was harsh and disproportionate and has ordered the respondent to be reinstated in service with 25% backwages. It appears that on previous two occasions in 1992 the respondent remained absent without leave but it appears that at the relevant time the respondent was suffering from Tuberculosis. In the circumstances of the case I see no reason to interfere with the discretion exercised by the Labour Court. Hence the petition is dismissed. Rule discharged. No order as to costs.

m.m.bhatt